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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

Arizona Corporation Commission

DOCKETED

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DOCKETED BY

[Signature]

IN THE MATTER OF THE APPLICATION OF
DIGITAL TRANSPORTATION CORPORATION
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO PROVIDE
PRIVATE LINE TELECOMMUNICATIONS
SERVICES IN ARIZONA.

DOCKET NO. T-20937A-15-0290

PROCEDURAL ORDER

BY THE COMMISSION:

On August 14, 2015, Digital Transportation Corporation (“DTC” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity (“CC&N”) to provide private line telecommunications services in the State of Arizona.

On August 31, 2015, DTC filed a copy of the California Public Utilities Commission order granting DTC a Certificate of Public Convenience and Necessity in California.

Also on that date, DTC filed a Notice of Errata to correct the Company’s name on page 1 of its application.

On September 11, 2015, the Commission’s Utilities Division (“Staff”) filed an Insufficiency Letter.

On November 13, 2015, DTC filed a request for an extension of time until December 10, 2015, to file its Certificate of Good Standing.

On December 22, 2015, DTC filed its Certificate of Good Standing.

On January 21, 2016, Staff filed a Sufficiency Letter stating that DTC’s application for a CC&N had met the sufficiency requirements as outlined in the Arizona Administrative Code (“A.A.C.”).

On January 26, 2016, a Procedural Order was issued setting the date for hearing on April 11, 2016, and establishing other procedural deadlines.

On February 17, 2016, DTC filed Responses to Staff’s First Set of Data Requests.

1 On February 26, 2016, DTC filed its Notice of Filing Affidavit of Publication indicating that
2 notice of the application and hearing date had been published in *The Arizona Republic*, a newspaper of
3 general circulation in Arizona.

4 On March 7, 2016, a Notice to the Parties was filed by the Administrative Law Judge ("ALJ")
5 assigned to the matter.

6 On March 14, 2016, Staff filed a Staff Report recommending approval of DTC's application,
7 subject to certain conditions.

8 On March 15, 2016, DTC filed a Motion to Allow Telephonic Testimony ("Motion") for the
9 April 11, 2016, hearing, stating its witness, Steven Kasower, lives out of state and a personal
10 appearance by Mr. Kasower would necessitate significant travel time for what is generally a brief
11 hearing.

12 On March 18, 2016, by Procedural Order, DTC's Motion was granted.

13 The Commission has determined that DTC failed to provide sufficient public notice of the
14 application.

15 Accordingly, the Commission directs the Company to publish this notice to allow interested
16 parties time to file comments on the application and/or to request intervention in this matter.

17 IT IS THEREFORE ORDERED that **DTC shall publish by April 22, 2016, notice of the**
18 **application** in a newspaper of general circulation in the proposed service areas, in the following form
19 and style with the heading in no less than 10-point bold type and the body in no less than 6-point regular
20 type:

21 **PUBLIC NOTICE OF HEARING IN THE MATTER OF THE APPLICATION**
22 **OF DIGITAL TRANSPORTATION CORPORATION FOR A CERTIFICATE**
23 **OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE PRIVATE**
LINE TELECOMMUNICATIONS SERVICES IN ARIZONA.
DOCKET NO. T-20937A-15-0290

24 **Summary**

25 On August 14, 2015, Digital Transportation Corporation ("DTC" or "Company") filed
26 with the Arizona Corporation Commission ("Commission") an application for a
27 Certificate of Convenience and Necessity ("CC&N") to provide private line
telecommunications services in the State of Arizona.

28 The Commission's Utilities Division ("Staff") has recommended approval of the

1 application, subject to certain conditions. The Commission is not bound by the
2 proposals made by DTC, Staff, or any intervenors.

3 A copy of the application is available at DTC's offices [insert addresses]; at the
4 Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for
5 public inspection during regular business hours; and on the Commission's website
6 (www.azcc.gov) using the e-Docket function.

7 The Commission held a hearing on the application on April 11, 2016, at the
8 Commission's offices, 1200 West Washington, Phoenix, Arizona. The Commission
9 determined that DTC failed to provide sufficient public notice of the application.
10 Therefore, the Commission directed the Company to publish this notice to allow
11 interested parties time to file comments on the application and/or to request intervention
12 in this matter. The Commission will issue a Decision regarding the application
13 following consideration of testimony and evidence presented at an evidentiary hearing.

14 Written public comments may be submitted by mailing a letter referencing Docket No.
15 T-20937A-15-0290 to the Arizona Corporation Commission, Consumer Services
16 Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on
17 the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a
18 Utility" function. If you require assistance, you may contact the Consumer Services
19 Section at 602-542-4251 or 1-800-222-7000 (outside the metro Phoenix area).

20 **About Intervention**

21 The law provides for an open public hearing at which, under appropriate circumstances,
22 interested parties may intervene. Any interested person may be granted intervention if
23 the outcome of the case will directly and substantially impact the person, and the
24 person's intervention will not unduly broaden the issues in the case. Intervention,
25 among other things, entitles a party to present sworn evidence at hearing and to cross-
26 examine other parties' witnesses. However, failure to intervene will not preclude any
27 interested person or entity from appearing at the hearing and providing public comment
28 on the application or from filing written comments in the record of the case.

To request intervention, you must file an original and 13 hard copies of a written request
to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, no later
than **May 6, 2016**. You also must serve a copy of the request to intervene on each party
of record, on the same day that you file the request to intervene with the Commission.
Information about intervention and sample intervention requests are available on the
Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number and the name, address,
and telephone number of any party upon whom service of documents
is to be made, if not yourself;
2. A reference to Docket No. T-20937A-15-0290;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., a customer of the Company,
etc.)

- b. How you will be directly and substantially affected by the outcome of the case; and
- c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 6, 2016. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal, E-mail Sbernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that DTC shall **file certification of publication** as soon as practicable after publication has been completed, but not later than **4:00 p.m. on May 13, 2016**.

IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **4:00 p.m. on May 6, 2016**.

IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on or before **4:00 p.m. on May 20, 2016**.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) applies to this proceeding as the matter is now set for public hearing, and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, 39, and 42 and A.R.S. §40-243 with respect to the practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the Rules of the Arizona Supreme Court). Representation before the Commission includes the obligation to appear at all hearings, procedural conferences, Open Meetings for which the matter is scheduled for

1 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
2 Law Judge or Commission.

3 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
4 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
5 hearing.

6 DATED this 5th day of April, 2016.


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8 
9 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
this 5th day of April, 2016 to:

11 Michael W. Patten
12 Timothy J. Sabo
13 SNELL & WILMER, L.L.P.
14 One Arizona Center
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22 By: Amy Wilson
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